

## Message Text

UNCLASSIFIED

PAGE 01 GABORO 00822 071508Z

ACTION AF-08

INFO OCT-01 ISO-00 MCT-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 ACDA-10 DHA-02 IO-13 /091 W

-----080330Z 102633 /14

R 070940Z MAR 77

FM AMEMBASSY GABORONE

TO SECSTATE WASHDC 9749

INFO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

AMEMBASSY PRETORIA

USUN NEW YORK 408

UNCLAS GABORONE 0822

E.O.11652: N/A

TAGS: PFOR, PINS, BC, RH

SUBJECT: RHODESIAN COURT SAYS IT HAS "AUTHORITY" TO TRY  
KIDNAPPED BATSWANA. EXHIBITS COMMUNIST-MADE WEAPONS "DISCOVERED"  
IN BOTSWANA

REF: GABORONE 535

CAPE TOWN FOR EMBASSY

SUMMARY: WE BELIEVE IT NOTEWORTHY THAT RECENT COURT CASE IN  
RHODESIA HAS REVEALED THAT RHODESIAN AUTHORITIES KIDNAPPED  
TWO BATSWANA. COURT DISCLOSED THEY WERE TAKEN BY RHODESIAN  
SECURITY FORCES. BULAWAYO JUDGE RULED THAT, AS A RESULT, HE  
HAD NO AUTHORITY TO TRY THEM. SAME COURT HELD THAT ANOTHER  
KIDNAPPED MOTSWANA IS CITIZEN OF RHODESIA AND THEREFORE WILL  
TRIED. IN RELATED CASE, AUTHORITIES ADMITTED THAT SECURITY  
FORCE MAN HAS BEEN AUTHORIZED TO CROSS INTO BOTSWANA TWICE IN  
HOT PURSUIT . PROSECUTION PRODUCED AS EVIDENCE VARIETY OF  
COMMUNIST-MADE WEAPONS ALLEGEDLY DISCOVERED IN BOTSWANA. END  
SUMMARY.

1. ACCORDING TO RHODESIA PRESS, SPECIAL COURT IN BULAWAYO  
ON MARCH 22 REFERRED TO THE APPELLATE DIVISON IN SALISBURY THE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GABORO 00822 071508Z

CASE OF TWO BOTSWANA CITIZENS CHARGED WITH POSSESSING ARM,  
AMMUNITION AND GRENADES AND WITH CONSPIRING IN BOTSWANA TO  
ASSIST PERSONS ( "TERRORISTS" ) WHO LATER ENTERED RHODESIA.  
COURT PRESIDENT SIR HUGH BEADLE, RULED THAT HE DID NOT HAVE  
JURISDICTION TO TRY JOTHA BANGO AND ABEL MAPHANE WHO WERE  
KIDNAPPED FROM BOTSWANA IN LATE 1976 BY RHODESIAN SECURITY FORCES  
(REFTEL). IN SIR HUGH'S OPINION, TO HAVE HEARD THE CASE WOULD

HAVE MEANT CONDONING THE "ILLEGAL ABDUCTION OF BOTSWANA NATIONALS." THE GOB HAD ARRANGED WITH A RHODESIAN LAW FIRM FOR BATSWANA'S DEFENSE. THE TWO MEN ARE BEING TRANSFERED TO SALISBURY FOR APPELLATE DIVISION ACTION

3. IN THE CASE OF A THIRD MOTSWANA, SIR HUGH SAID THAT, AS THE ACCUSED WAS BORN IN RHODESIA, HE IS A NATIONAL OF THAT COUNTRY AND PRESUMED TO BE RESIDENT IN RHODESIA TODAY . IN ADDITION, THE DEFENDANT WAS CHARGED UNDER THE LAW AND ORDER MAINTENANCE ACT WHICH SALISBURY CLAIMS IS EXTRA-TERRITORIAL . THERFORE SIR HUGH RULED THAT THE BULAWAYO COURT DOES HAVE JURISDICTION AND WILL PROCEED WITH THE TRIAL OF PHENYO NDLOVU OF MOROKA VILLAGE WHO ALSO WAS FORCIBLY TAKEN BY RHODESIAN SECURITY FORCES. NDLOVU IS CONSIDERED BY THE GOB TO BE A CITIZEN AND IS BEING DEFENDED AT GOB EXPENSE.

3. THERE HAS SO FAR BEEN NO ANNOUNCEMENT OF RHODESIAN PLANS REGARDING 16-YEAR-OLD DISANG MODIAKGOTLA WHO WAS ABDUCTED FROM BOTSWANA IN NOVEMBER.

4. IN A RELATED CASE, SIR HUGH SENTENCED RHODESIAN CITIZEN SIGANYANA MOYO TO LIFE IMPRISONMENT FOR POSSESSING WEAPONS IN RHODESIA AND BOTSWANA AND ASSISTING A TERRORIST . MOYO, WHO HAD LIVED IN BOTSWANA SINCE 1968, WAS DEPORTED BY THE GOB IN DECEMBER AND ARRESTED AS HE ARRIVED BACK IN RHODESIA. ACCORDING TO THE BULAWAYO CHRONICLE, MOYO ADMITTED THAT HE ALLOWED A "TERRORIST" TO STAY WITH HIM IN BOTSWANA AND ACTED AS AN INTERMEDIARY IN TRANSPORTING WEAPONS FROM ANC REPRESENTATIVES IN FRANCISTOWN TO THE GUERRILLA. THE PROSECUTION PRODUCED AN ARRAY OF COMMUNIST-MADE WEAPONRY WHICH IT SAID WAS FOUND IN BOTSWANA. THE CHRONICLE OF MARCH 25 FEATURED A FRONT-PAGE PHOTO OF SOME OF THE ITEMS WHICH INCLUDED AK-47S, AMMUNITION, CHINESE STICK GRENADES, AN ANTI-PERSONNEL MINE AND 70 DETONATORS. A RHODESIAN POLICEMAN, SPECIAL BRANCH DETECTIVE INSPECTOR HENRY WOLHUTER, ADMITTED THAT HE WAS AUTHORIZED TO ENTER BOTSWANA TWICE (DECEMBER 11 AND JANUARY 7) ON HOT PURSUIT AND DURING THESE INCURSIONS FOUND THE WEAPONS.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GABORO 00822 071508Z

5. ALTHOUGH THE CHRONICLE ARTICLE INDICATES THAT BOTH OF THESE FORAYS WERE OF LIMITED DEPTH, THE APRIL 4 BOTSWANA DAILY NEWS CLAIMS THAT WOLHUTER MET MOYO IN FRANCISTOWN. THE PAPER NOTES THE ALLEGATIONS OF SOURCES IN FRANCISTOWN THAT MOYO HELPED RHODESIAN FORCES KIDNAP BANGO AND MAPHANE AND BOMB THE NKOMO ANC HEADQUARTERS IN FRANCISTOWN LAST NOVEMBER.

6. COMMENT: RHODESIA HAS VERY RARELY ADMITTED THAT ITS TROOPS ENTER BOTSWANA. A RECENT INSTANCE WAS JANUARY 11, WHEN THERE WAS AN EXCHANGE OF FIRE BETWEEN THE BOTSWANA POLICE MOBILE UNIT AND RHODESIAN SECURITY FORCES. A STATEMENT FROM SALISBURY ACKNOWLEDGED THAT TWO RHODESIAN OFFICERS HAD ON THAT OCCASION CROSSED THE BORDER TO INSPECT A MORTAR WHICH WAS BEING SET UP IN A KRAAL NEARBY. IN FEBRUARY, THE FARAH MISSION VIEWED THE BODY OF A WHITE RHODESIAN KILLED IN A FIREFIGHT INSIDE BOTSWANA.

RHODESIA ALSO ADMITTED THIS INCURSION. TO EMBASSY'S KNOWLEDGE, STATEMENT PARA.4 ABOVE IS FIRST SUCH ADMISSION OF RHODESIAN AUTHORITIES OPENLY IN COURT. THIS PUBLIC REVELATION STRENGTHENS THE ARGUMENT OF AUTHORITIES AND ORDINARY CITIZENS HERE WHO INSIST THAT (A) RHODESIAN POLICE AND MILITARY REPEATEDLY RAID ACROSS AND OTHERWISE VIOLATE THE BORDER WITH BOTSWANA BUT ARE RARELY DETECTED BECAUSE GOB HAS NO ARMY AND A SMALL, LARGELY UNTRAINED, ILL-EQUIPPED POLICE FORCE: AND (B) BOTSWANA NEEDS DEFENSE FORCE OF ITS OWN TO PREVENT SUCH VIOLATIONS OF ITS TERRITORIAL INTEGRITY WHICH ARE NOW CARRIED OUT WITH IMPUNITY. NORLAND

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRIALS, BORDER INCIDENTS, PRISONERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 07-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977GABORO00822  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770122-0662  
**Format:** TEL  
**From:** GABORONE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770384/aaaacwde.tel  
**Line Count:** 127  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 4c3e81bc-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION AF  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 GABORONE 535  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 04-Nov-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3182864  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** RHODESIAN COURT SAYS IT HAS \"AUTHORITY\" TO TRY KIDNAPPED BATSWANA. EXHIBITS COMMUNIST-MADE WEAPONS  
\"DISCOVERED\" IN BOTSWANA  
**TAGS:** PFOR, PINS, BC, RH  
**To:** STATE  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/4c3e81bc-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009